

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 SYDNEY M. MEHRINGER
Deputy Attorney General
4 State Bar No. 245282
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
E-mail: Sydney.Mehringer@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-457

13 **MARY ELLEN PACE**
21551 Brookhurst St., #143
Huntington Beach, CA 92646

ACCUSATION

14 **Additional Address:**
301 Knob Hill Ave. #6
15 Redondo Beach, CA 90277

16 **Registered Nurse License No. 746830**

17 Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

25 2. On or about March 4, 2009, the Board of Registered Nursing ("Board") issued
26 Registered Nurse License Number 746830 to Mary Ellen Pace ("Respondent"). The Registered
27 Nurse License was in full force and effect at all times relevant to the charges brought herein and
28 will expire on August 31, 2014, unless renewed.

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1 upon request of the entity bringing the proceedings, the administrative law judge may direct a
2 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
3 to exceed the reasonable costs of the investigation and enforcement of the case.

4 "(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order
5 may be made against the licensed corporate entity or licensed partnership.

6 "(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs
7 are not available, signed by the entity bringing the proceeding or its designated representative
8 shall be prima facie evidence of reasonable costs of investigation and prosecution of the case.
9 The costs shall include the amount of investigative and enforcement costs up to the date of the
10 hearing, including, but not limited to, charges imposed by the Attorney General.

11 "(d) The administrative law judge shall make a proposed finding of the amount of
12 reasonable costs of investigation and prosecution of the case when requested pursuant to
13 subdivision (a). The finding of the administrative law judge with regard to costs shall not be
14 reviewable by the board to increase the cost award. The board may reduce or eliminate the cost
15 award, or remand to the administrative law judge if the proposed decision fails to make a finding
16 on costs requested pursuant to subdivision (a).

17 "(e) If an order for recovery of costs is made and timely payment is not made as directed in
18 the board's decision, the board may enforce the order for repayment in any appropriate court.
19 This right of enforcement shall be in addition to any other rights the board may have as to any
20 licentiate to pay costs.

21 "(f) In any action for recovery of costs, proof of the board's decision shall be conclusive
22 proof of the validity of the order of payment and the terms for payment.

23 "(g)(1) Except as provided in paragraph (2), the board shall not renew or
24 reinstate the license of any licentiate who has failed to pay all of the costs ordered
25 under this section.

26 (2) Notwithstanding paragraph (1), the board may, in its discretion,
27 conditionally renew or reinstate for a maximum of one year the license of any
28 licentiate who demonstrates financial hardship and who enters into a formal

1 agreement with the board to reimburse the board within that one-year period for the
2 unpaid costs.

3 "(h) All costs recovered under this section shall be considered a reimbursement for costs
4 incurred and shall be deposited in the fund of the board recovering the costs to be available upon
5 appropriation by the Legislature.

6 "(i) Nothing in this section shall preclude a board from including the recovery of the costs
7 of investigation and enforcement of a case in any stipulated settlement.

8 "(j) This section does not apply to any board if a specific statutory provision in that board's
9 licensing act provides for recovery of costs in an administrative disciplinary proceeding.

10 "(k) Notwithstanding the provisions of this section, the Medical Board of California shall
11 not request nor obtain from a physician and surgeon, investigation and prosecution costs for a
12 disciplinary proceeding against the licentiate. The board shall ensure that this subdivision is
13 revenue neutral with regard to it and that any loss of revenue or increase in costs resulting from
14 this subdivision is offset by an increase in the amount of the initial license fee and the biennial
15 renewal fee, as provided in subdivision (e) of Section 2435."

16 CAUSE FOR DISCIPLINE

17 (Discipline by the New York Board of Nursing)

18 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
19 (a)(4) on the grounds of unprofessional conduct in that Respondent's registered nurse license was
20 disciplined as follows:

21 10. On or about March 9, 2010, in a case entitled *In the Matter of Mary Ellen Pace*, case
22 number 24942, the Board of Regents of the University of the State of New York issued an Order
23 which granted an Application for Consent Order between the New York State Education
24 Department, Office of Professional Discipline, State Board for Nursing and Respondent.
25 Pursuant to the terms of the Order, Respondent's license was suspended for two years, but the
26 execution of the last fifteen months of the suspension was stayed and her license was placed on
27 probation two years, subject to certain terms and conditions.
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1 11. The facts and circumstances underlying the Application for Consent Order, to which
2 Respondent admitted, were that Respondent committed the following acts of unprofessional
3 conduct:

4 (a) In or about and between June 2008 and August 2008, while employed as the
5 director of nursing at Altamont House in Altamont, New York, Respondent developed an
6 inappropriate relationship with D.B., an adult male resident of Altamont House who was on
7 parole. This relationship included email communications, telephone calls, and personal
8 conversations, which were outside the boundaries of the professional relationship. Additionally,
9 Respondent allowed D.B. to move into her home with her upon his release from Altamont House.

10 **PRAYER**


11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 746830, issued to Mary
14 Ellen Pace;

15 2. Ordering Mary Ellen Pace to pay the Board of Registered Nursing the reasonable
16 costs of the investigation and enforcement of this case, pursuant to Business and Professions
17 Code section 125.3; and

18 3. Taking such other and further action as deemed necessary and proper.
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20 DATED: DECEMBER 8, 2012

21 *for* 
22 LOUISE R. BAILEY, M.ED., RN
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant
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